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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,800	02/27/2002	Michael Kapolka	65855-0061	7865

20306 7590 11/04/2004

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EXAMINER

NGUYEN, THUAN T

ART UNIT PAPER NUMBER

2685

DATE MAILED: 11/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/084,800	<b>Applicant(s)</b> KAPOLKA ET AL.	
	<b>Examiner</b> THUAN T. NGUYEN	<b>Art Unit</b> 2685	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-37 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/27/02</u> . | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Claim Rejections - 35 USC 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless –  
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.*

2. Claims 1-25, 30-33, and 36-37 are rejected under 35 U.S.C. 102(e) as being

anticipated by Grounds et al. (U.S. Patent No. 6,510,381 B2).

Regarding claim 1, Grounds discloses “a vehicle telemetry system, comprising: an on-vehicle telemetry module, adapted to receive information relating to operation of said vehicle”, i.e., Fig. 1 shows an onboard telemetry system comprising two modules mounted to a vehicle for receiving information related to operation of the vehicle (col. 2/lines 20-42); and “a computer server, remotely-located from said vehicle, adapted to receive said vehicle operation information from said telemetry module via wireless communication, and further adapted to provide said vehicle operation information to a plurality of users remotely-located from said computer server”, i.e., a network based server is remotely communicating to the vehicle via wireless communication (Fig. 2, for a plurality of users A, B or C can communicates with the vehicle via network 220 and station 210 using wireless communication via wireless phone 110, and the vehicle can

communicate to the server 230 via network 220 using wireless communication 110, see col. 4/line 60 to col. 6/line 6).

As for claim 2, in further view of claim 1, Grounds discloses “wherein said telemetry module is in electronic communication with a vehicle data bus, and wherein said telemetry module receives said operation information from said data bus”, i.e., data bus 137 within cable 130 receives operation information from a first processing module 10 (Fig. 1, and col. 4/lines 5-44).

As for claim 3, in further view of claim 1, Grounds shows “wherein said computer server is capable of providing a selected portion of said vehicle operation information to at least one of said users, wherein said selected portion of said vehicle operation information is tailored to a request from said one of said users”, i.e., using a GPS location system, the computer server can provide operation information to at least one of the users based on the user’s request (col. 6/lines 7-40).

As for claims 4 and 5, in further view of claim 1, Grounds teaches “wherein said vehicle operation information is provided to said remotely-located users via a wide-area network” and “wherein the wide-area network is the Internet” (col. 5/lines 34-54 for LAN/WAN is included, and intranet as well as the Internet is preferred).

As for claim 6, in further view of claim 5, Grounds discloses “wherein said users access said vehicle operation information using a Web browser” (col. 2/lines 51-63).

As for claim 7, in further view of claim 1, Grounds inherently suggests “wherein said vehicle operation information is provided to said users from said computer server via telephone communication lines”, i.e., users A, B or C accesses to the computer network

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via ISP 256 using telephone communication lines (understood) as conventionally used (col. 2/lines 51-64 & col. 6/lines 7-19).

As for claim 8, in further view of claim 1, Grounds discloses “wherein said vehicle operation information is provided to said users from said computer server via wireless communication”, i.e., wireless communication is used via wireless phone 110 to computer server 230 (Fig. 2, and col. 5/lines 34-54).

As for claim 9, in further view of claim 1, Grounds inherently suggests “wherein said computer server is adapted to provide said vehicle operation information to said users via an electronic device chosen from the following group: personal computer, personal digital assistant, and mobile phone”, i.e., users can access to the ISP via any communication means if subscribed to their providers whether a personal computer, or a PDA or a mobile phone (col. 6/lines 7-19).

As for claim 10, in further view of claim 1, Grounds discloses “wherein said computer server is further adapted to receive user-originated control commands relating to vehicle operation, and wherein said computer server is further adapted to provide said user-originated control commands to said telemetry module via wireless communication” i.e., using a GPS location system, the computer server can provide operation information to at least one of the users based on the user’s request or commands (col. 6/lines 7-40) via wireless communication using a wireless phone 110 to computer server 230 and to users (Fig. 2, and col. 5/lines 34-54).

Regarding claims 11-22, these claims for “a method for providing vehicle operation information to a plurality of users, comprising the steps receiving vehicle

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operation information from a remotely-located vehicle via wireless communication; receiving requests for said vehicle operation information from a plurality of remotely-located users; and providing access to said vehicle operation information to said remotely-located users” are rejected for the reasons given in the scope of system claims 1-10 as already disclosed above.

As for claims 23 and 24, in further view of claims 1 and 11, Grounds discloses “wherein said vehicle operation information includes information relating to a performance characteristic of a vehicle component” and “wherein said vehicle operation information includes information relating to a location of said vehicle” (col. 5/line 34 to col. 6/line 40 for information relating to a location of said vehicle and information relating to a performance characteristic of a vehicle component such as functionally of all hardware and operational modes of the onboard system or checking other set up parameters and stored data within the storage device).

Regarding claims 25 and 33, Grounds discloses “a method of operating a vehicle telemetry system, comprising the steps: causing a vehicle telemetry module to be installed on a vehicle, wherein said vehicle is owned by a first entity; receiving vehicle operation information from said telemetry module via wireless communication; storing said vehicle operation information on a computer server remotely-located from said vehicle; and providing access to said vehicle operation information stored on said computer server to a second entity” (see claim 1 above, with a first entity can be regarded as the car rental user, and a second entity can access information on computer server can

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be regarded as the users A, B or C for monitoring or checking the location of the vehicle, see col. 1/line 40 to col. 2/line 17).

As for claim 30, in further view of claim 25, Grounds shows “wherein said second entity is remotely-located from said computer server” (Fig. 2/ users A, B or C).

As for claims 31-32 and 36-37, Grounds teaches “wherein said second entity accesses said vehicle operation information via a wide area network” and “wherein said wide area network is the Internet” (col. 5/lines 34-54 for LAN/WAN is included, and intranet as well as the Internet is preferred).

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***Claim Rejections - 35 USC 103***

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3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.*

4. Claims 26-29 and 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grounds et al. (U.S. Patent No. 6,510,381 B2).

Regarding claims 26-29 and 34-35, in further view of claim 25, Grounds does not further mention “comprising the step of charging a fee to said second entity for said access to said vehicle operation information”; “wherein said fee is related to a system-usage level corresponding to said second entity”; and “ wherein said computer server is

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owned by a third entity”; and “wherein said computer server is maintained by a third entity”; however, the Examiner takes an official notice that it is known in the art that the ISP or Internet Service Provider is, of course, charging a fee for any piece of information provided by them to the users or subscribers, and the computer server is eventually belong to the ISP or owned and maintained by the host or the third entity (col. 5/lines 8-33). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Grounds’ system with well-known features as claimed in order to point out that the ISP controls, maintains the computer server and is willing to charge any fee for any user requests to access to the information owned by them related to the location or any operational information of the vehicle at a distant location.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

McCarthy et al. (US Patent 6,693,517 B2), Dodd, Jr. et al. (US Patent 6,505,086 B1), Rennard et al. (US Patent 6,405,123 B1), and Petrov et al. (US Patent 5,937,421) disclose systems related to providing vehicle location information using the Internet.

6. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

**(703) 872-9306, (for Technology Center 2600 only)**

*Hand-delivered responses should be brought to Crystal Park II,  
2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).*




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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tony Thuan Nguyen whose telephone number is (703) 308-5860. The examiner can normally be reached on Monday-Friday from 9:30 AM to 7:00 PM, with alternate Fridays off.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600 Customer Service Office** whose telephone number is **(703) 306-0377**.

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TONY T. NGUYEN  
PATENT EXAMINER

Tony T. Nguyen  
Art Unit 2685  
October 25, 2004